

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-001967

09/22/2011

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT

K. Skelton

Deputy

IN RE THE MARRIAGE OF  
JILLIAN ELIZABETH NELSON

JILLIAN ELIZABETH NELSON  
5307 W MESCAL ST  
GLENDALE AZ 85304

AND

MICHAEL ANGELO NELSON

MICHAEL ANGELO NELSON  
16033 N 25TH ST # 218  
PHOENIX AZ 85032

DOCKET-FAMILY COURT CCC  
FAMILY COURT SERVICES-CCC

MINUTE ENTRY

Courtroom OCH 201

Prior to the commencement of this proceeding, Jillian Elizabeth Nelson and Michael Angelo Nelson are sworn.

10:16 a.m. This is the time set for Trial on the Petition for Dissolution of Marriage. Petitioner/Mother, Jillian Elizabeth Nelson, is present on her own behalf. Respondent/Father, Michael Angelo Nelson, is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-001967

09/22/2011

The parties advise the Court that they have reached an agreement on all issues in a pleading entitled "Rule 69 Agreement Re: Custody, Parenting Time and Child Support" which was signed by Mother on August 27, 2011, by Father on September 20, 2011, and filed with the Clerk of Court on September 21, 2011.

Discussion is held with the Court.

Pursuant to the parties' agreement, the Court enters the following:

**DECREE OF DISSOLUTION OF MARRIAGE**

**I. DISSOLUTION OF MARRIAGE**

THE COURT FINDS that at least one of the parties has been domiciled in the State of Arizona for more than 90 days immediately preceding the filing of the Petition; that the conciliation provisions of A.R.S. § 25-381.09, and the domestic relations education provisions of A.R.S. § 25-352 either do not apply or have been met; and that the marriage is irretrievably broken and there is no reasonable prospect for reconciliation.

To the extent it has jurisdiction to do so, the Court has considered and made provisions for maintenance and disposition of property, and, where applicable, support, custody and visitation.

IT IS ORDERED that the marriage heretofore existing between the parties is dissolved, and each party is returned to the status of a single person effective upon the signing and entry of this Decree.

**II. CUSTODY AND PARENTING TIME**

THE COURT FINDS that the minor child who is the subject of this action lived in Arizona with a parent, or a person acting as a parent, for at least six consecutive months or more prior to the commencement of this action, such that Arizona is the home state of the child vested with jurisdiction to make a child custody determination pursuant to A.R.S. § 25-1031(A)(1).

IT IS ORDERED that custody and parenting time shall be as set forth in the parties Rule 69 Agreement filed September 21, 2011.

Notwithstanding the foregoing:

- A. Both parents have the right to participate in school conferences, events and activities, and the right to consult with teachers and other school personnel.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-001967

09/22/2011

- B. Both parents have the right to authorize emergency medical and dental treatment, if needed, and the right to consult with physicians or other medical practitioners. Each parent shall immediately advise the other parent of any emergency medical or dental care sought for the child. The parents shall also cooperate on health matters concerning the child and keep one another reasonably informed regarding the status of the child's health. The parents shall also keep one another informed as to names, addresses, and phone numbers of all medical and dental care providers.
- C. Each parent may take the child to a church or place of worship of his/her choice during the time that the child is in his/her care.
- D. Each parent shall promptly inform the other parent of important events involving the child.
- E. All communication regarding the child shall be between the parents. The parents shall not use the child to convey information or set up parenting time changes.
- F. Each parent shall be entitled to reasonable telephone contact with the child during their normal waking hours while they are in the care of the other parent. Each parent shall allow the child to freely and privately speak to the other parent. The access parent shall be responsible for ensuring a return call by the child to the other parent within a reasonable time in the event that a message is left or a call is initiated at an inconvenient time.
- G. Neither parent shall make any derogatory comments about the other parent, or permit others to do so, in the presence of the child. Each parent shall encourage love and respect between the child and the other parent and neither shall do anything that may undermine the other parent's relationship with the child.
- H. Each parent shall ensure that while the child is in his/her care on school nights, he timely completes his homework assignments.
- I. Each parent shall inform the other parent of any change of address and/or phone number at least two days prior to the change.
- J. PARENTAL ACCESS TO RECORDS AND INFORMATION: Under Arizona law (A.R.S. § 25-403.06), unless otherwise provided by court order or law, on reasonable request, both parents are entitled to have equal access to documents and other information concerning the child's education and physical, mental, moral and

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-001967

09/22/2011

emotional health including medical, school, police, court and other records. A person who does not comply with a reasonable request for these records shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to make the other parent obey this request. A parent who attempts to restrict the release of documents or information by the custodian of the records without a prior court order is subject to legal sanctions.

- K. Neither parent shall discuss custody or other legal issues with the child.
- L.. PARENTAL ACCESS TO RECORDS AND INFORMATION: Under Arizona law (A.R.S. § 25-403.06), unless otherwise provided by court order or law, on reasonable request, both parents are entitled to have equal access to documents and other information concerning the children's education and physical, mental, moral and emotional health including medical, school, police, court and other records. A person who does not comply with a reasonable request for these records shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to make the other parent obey this request. A parent who attempts to restrict the release of documents or information by the custodian of the records without a prior court order is subject to legal sanctions.
- M. Neither parent shall discuss, or permit others to discuss, custody or other issues in this case with the minor children. Neither parent shall share, or permit others to share, any pleadings, motions, minute entries or other documents related to this case with the minor children. Both parents shall ensure that the minor children have no access to any pleadings, motions, minute entries or other documents related to this case.
- N. Should either party travel with the children during his/her parenting time, he/she shall provide the other parent with a written itinerary at least three days in advance of the trip. The itinerary shall include transportation information and the address(es) and phone number(s) where the children can be reached.
- O. Both parents shall be listed as contacts on any forms or lists that require contact information including, but not limited to, forms or lists required by schools, extra-curricular activities, child-care providers and medical providers.
- P. If either parent intends to relocate outside the State or more than 100 miles within the State, he/she shall provide at least 60 days advance written notice to the other parent and adhere to the provisions of A.R.S. § 25-408(B).

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-001967

09/22/2011

- Q. The parties shall use the services of a private counselor or Conciliation Services of this Court to resolve any disputes, problems or proposed changes regarding this custody and parenting time order prior to seeking further relief from the Court. While a dispute is being resolved, neither parent shall deviate from this custody and parenting time order or act in a way that is inconsistent with the terms of the order.**

**III. CHILD SUPPORT**

THE COURT FINDS based upon the parties testimony, that a strict application of the child support guidelines in this case is inappropriate or unjust and that the Court has considered the best interests of the children in determining that a deviation under the guidelines is appropriate. Therefore,

IT IS ORDERED that neither party shall be obligated to pay to the other retroactive or current child support.

**IV. SPOUSAL MAINTENANCE**

THE COURT FINDS that neither party seeks an order of spousal maintenance or meets the criteria set forth in A.R.S. §25-319(A) for an award of spousal maintenance. Accordingly,

IT IS ORDERED that spousal maintenance is not awarded to either party.

**V. PROPERTY DIVISION**

Pursuant to agreement of the parties,

IT IS ORDERED awarding to Father as his sole and separate property, subject to any liens or encumbrances thereon, all vehicles, household furniture, furnishings and appliances, and other personal property currently in his possession.

IT IS FURTHER ORDERED awarding to Mother as her sole and separate property, subject to any liens or encumbrances thereon, all vehicles, household furniture, furnishings and appliances, and other personal property currently in her possession.

**VI. COMMUNITY DEBTS**

IT IS FURTHER ORDERED that each party shall pay any debt incurred by him or her respectively since the date of the parties' separation.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-001967

09/22/2011

IT IS FURTHER ORDERED that any debt incurred by the parties during the marriage not disclosed or otherwise assigned herein is the responsibility of the party incurring the debt, and he/she shall indemnify and hold the other party harmless from such debt.

**VIII. ATTORNEY'S FEES**

The Court has considered the financial resources of both parties and the reasonableness of their positions in this matter in accordance with A.R.S. § 25-324, and good cause appearing,

IT IS ORDERED that each party shall pay his/her own attorney's fees and costs incurred in this matter.

IT IS FURTHER ORDERED that all claims not specifically addressed herein, or that are not the subject of the parties' Rule 69 Agreement, are denied.

10:20 a.m. Matter concludes.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

/S/ JUDGE CHRISTOPHER WHITTEN

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JUDGE CHRISTOPHER WHITTEN  
JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.